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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,008	10/03/2000	Giorgio Trani	M1025/7004	4545

21127 7590 07/14/2003

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EXAMINER

TAWFIK, SAMEH

ART UNIT

PAPER NUMBER

3721

DATE MAILED: 07/14/2003

19

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/678,008

Applicant(s)

TRANI ET AL.

Examiner

Sameh H. Tawfik

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 5-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Schneider et al. (Great Britain patent 1,115,636).

Schneider discloses a method for manufacturing an inherently stable container made of flexible material comprising the steps of folding a continuous film of flexible material of appropriate width to obtain a pouch having a longitudinal heat seal (Fig. 10, via 30) and by way of evenly spaced transverse heat seals (Fig. 10, via 34), followed by cropping the folded film in a direction transverse to the longitudinal heat seal (Figs. 19 and 20; via sealing head 51); heat sealing in sides of the pouch at a region of the transverse heat seals, forming two triangles having wings laterally disposed relative to the longitudinal heat seal (Figs. 10-13; via heat seal 30), each of which has a base which coincides with one edge of the pouch and a vertex which wedges inwards said pouch (Fig. 12, via 38); punch opening said pouch and optionally filling the pouch with a product (Figs. 10 and 11); folding and bonding the wings laterally relative to the longitudinal heat seal (Figs. 10 and 19) and after filling the pouch simultaneously with the bonding of the wings heat sealing an upper open mouth of the pouch (Figs. 10, 14, and 16).

Regarding claim 6: wherein in the first step the film is folded so as to form the pouch (Fig. 10), which is closed longitudinally by heat sealing (via 30) overlapping flaps of the film,

Art Unit: 3721

the heat sealing being preferably located at a center of one of two flat faces of the pouch (Fig. 10).

Regarding claim 7: wherein a longitudinal dimension of the pouch is determined by way of transverse heat seals (Fig. 10, via 34).

Regarding claim 8: the heat sealing of the triangles comprises heat sealing of two overlapping sheets of flexible material that constitute the pouch so as to form at the base the two triangles with vertex wedging inside the pouch (Figs. 14-20).

Regarding claim 9: forming ribs during the step for forming the heat sealed triangles, see for example (Figs. 13-20).

Regarding claim 10: during filling of the pouch with product a substantially flat base forms (Figs. 11 and 13).

Regarding claim 11: wherein following the filling step the wings are folded toward the container and are retained thereon (Figs. 19 and 20).

Regarding claim 12: insertion of the heat sealed triangles inside the container by way of pushing means (via 51) which push the triangles from the outside inward (Figs. 19 and 20).

Response to Arguments

Applicant's arguments filed on 6/9/2003 have been fully considered but they are not persuasive.

Applicants argue in page 3 of the argument that the mated bottom end of the Schneider structure disclosed in Fig. 10 and shown generally at 34, is coincident with, not "transverse" to the longitudinal seal formed by sealing heads 30. The examiner believes that Schneider's reference still discloses the bottom end is coincident with transverse to the longitudinal seal, see

Art Unit: 3721

for example (Figs. 19 and 20; via sealing head 51) seals the wings to the bottom part of the container transversely to the longitudinal seal.

Applicants further argue in page 3 of the arguments that the present invention calls for folding and bonding the wings “laterally” to the longitudinal heat seal. The Schneider protrusions 37 are folded and bonded “in line” with and directly into the middle of the longitudinal heat seal. The examiner believes that Schneider discloses folding and bonding the wings “laterally” to the longitudinal heat seal, see for example (Figs. 19 and 20; via sealing head 51).

Applicants argue in pages 3 and 4 of the arguments that the present invention calls for the wings being folded and bonded onto the triangles. Schneider discloses the opposite, which “underneath” the bottom of the package. The examiner believes that Schneider discloses wings being folded and bonded onto the triangles, see for example (Fig. 11; via sealing head 38) folds and seal into shape of wings and bonded onto the triangles (Fig. 13).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 3721

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is (703) 308-2809. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rada, Rinaldi can be reached on (703) 308-2187. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 308-7769 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

ST.

July 10, 2003



EUGENE KIM
PRIMARY EXAMINER